

# Notice of Allowability

Application No.

09/683,002

Examiner

Rip A. Lee

Applicant(s)

BASTIAENS ET AL.

Art Unit

1713

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 16, 2005.
2. ☒ The allowed claim(s) is/are 1, 2, 5-13, 20, 21, 23-30, and 33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Patricia S. DeSimone on November 17, 2005.

Claim 30, line 2      replace "comprising" with "consisting essentially of"

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: Claims 1, 2, 5-13, 20, 21, 23-30, and 33 are allowed over the closest references cited below.

The present invention is drawn to compositions consisting essentially of: (i) about 20 to about 60 wt % of a PPE copolymer comprising about 75 to about 90 wt % of 2,6-dimethyl-1,4-phenylene units and about 10 to about 25 wt % of 2,3,6-trimethyl-1,4-phenylene units, (ii) about 30 to about 65 wt % of a polyamide, (iii) about 1 to about 30 wt % of an impact modifier selected from the group consisting of SE/BS copolymer, SE/P copolymer, and a combination of SE/BS and SE/P copolymers, and (iv) about 0.025 to about 40 wt % of electrically conductive filler.

Other aspects of the invention may be gleaned from the remaining claims (see application).

Dharmarajan *et al.* (U.S. 6,221,283) discloses a composition comprising 38.6 wt % of PPE, 32.4-33.2 wt % of nylon 6,6, 6.9 wt % of SE/BS, 3.3 wt % of SE/P, 6.5-8.5 wt % of electroconductive filler, 0.3-0.7 wt % of compatibilizer and minor amounts of stabilizer. The PPE polymer is a homopolymer of 2,6-dimethyl-1,4-phenylene units. The reference does not disclose use of a PPE copolymer having the exact composition delineated in the instant claims.

van der Meer *et al.* (U.S. 4,857,575) discloses a composition consisting essentially of 44 pw of PPE, 41 pw of PA, 15 pw of SE/P copolymer, and minor amounts of stabilizer. The reference contemplates use of a blend of 2,6-dimethyl-1,4-phenylene and 2,3,6-trimethyl-1,4-phenylene monomers for making the PPE polymer, but the exact amounts are not disclosed. Moreover, the reference does not teach use of electroconductive filler.

Lee (U.S. 5,324,782 and U.S. 5,248,728) teaches compositions consisting essentially of PPE, PA, SE/P or SE/BS impact modifier, and compatibilizer. The references contemplate use of a blend of 2,6-dimethyl-1,4-phenylene and 2,3,6-trimethyl-1,4-phenylene monomers for making the PPE polymer, but the exact amounts are not disclosed. Also, the references do not teach use of electroconductive filler.

Silvi *et al.* (U.S. 6,352,654) teaches compositions similar to that of the instant claims. Use of a blend of 2,6-dimethyl-1,4-phenylene and 2,3,6-trimethyl-1,4-phenylene monomers for the PPE polymer is contemplated, but the exact amounts are not disclosed. The reference also discloses generically “styrene-diene block copolymers” as impact modifier; however, the identity of such material is not disclosed. It would not have been obvious to one of ordinary skill in the art to arrive at the claimed impact modifiers based on the teachings of the reference alone.

Koevoets *et al.* (U.S. 6,469,093) teaches a composition comprising 10-50 wt % of PPE, 35-65 wt % of polyamide, 5-40 wt % of talc, up to 20 wt % of impact modifier, 0.4-3.0 wt % of electroconductive filler, 0.3-0.7 wt % of compatibilizer and minor amounts of stabilizer. Use of SE/BS and SE/P copolymers as impact modifier is contemplated. The reference does not disclose use of a PPE copolymer having the exact composition delineated in the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

#### ***Additional Prior Art***

The accompanying PTO-892 contains prior art made of record but not relied upon and which is considered pertinent to the Applicant’s disclosure. The following references have been cited to show the state of the art with respect to PPE compositions containing SE/BS and SE/P impact modifiers.

Art Unit: 1713

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rip A. Lee whose telephone number is (571)272-1104. The examiner can be reached on Monday through Friday from 9:00 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached at (571)272-1114. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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November 17, 2005



DAVID W. WU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700